

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,
Plaintiff

v.

RICHARD MEMOLI,
Defendant

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File No. 1:09-cr-58-jgm-1

ORDER

The Magistrate Judge's Report and Recommendation was filed June 14, 2011. (Doc. 57.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Richard Memoli's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. 49) is GRANTED.

The Court will schedule a resentencing hearing. The Defendant shall inform the Court, in writing, on or before August 12, 2011, if he will be retaining counsel, or if he wishes appointment of counsel. In the event he seeks court-appointed counsel, he shall submit to the Clerk's Office Form CJA 23, Financial Affidavit.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 12th day of July, 2011

/s/ J. Garvan Murtha

Honorable J. Garvan Murtha
United States District Judge